

### **REMARKS**

Applicants respectfully traverse the rejections in the outstanding Office Action, and request that they be withdrawn in view of the following Remarks.

#### ***Claim Rejections –35 USC §102***

Claims 1-4 are rejected under 35 USC 102(b) as being anticipated by Rointru (US 6,159,120). The Examiner cites Rointru as disclosing an automated tensioner comprising:

- a pulley (19) rotatably attached to an arm (17);
- the arm (17) having a leg portion (33) slideably inserted within a closed end bore (35) formed in a latching base (5, 29);
- the leg portion (33) slideably inserted through a latching porthole (unnumbered opening) in an elongate latch (5, 17, 29).

This recitation is respectfully objected to for at least the following specific reasons:

1. Element (17) is an arm or fork that opens outwardly from an end of the tensioner to hold a pulley (19) (Col. 3., lines 56-58). This fork (17) has a stud (41) secured thereto (as seen in Fig. 2 and Col. 4, lines 30-32). Another stud (41) is secured to endpiece (5) and a plate or strip (39) has openings for receiving the two studs (41) in order to maintain the tensioner in a compressed condition (Col. 4, lines 24-26). Thus element (17) is constrained at a fixed distance from base endpiece (5) and is not slideable in any manner whatsoever.
2. Element (17) does not have a leg portion (33). Element (33) is a piston (33) disposed freely in a cylinder (31) having first and second chambers (35 and 37) with fluid flowing therebetween so as to provide damping action. In other words, elements (17) and (33) are not connected together.
3. Element (33) or piston (33) is physically separated by an open second chamber (37) from the "unnumbered opening" and thus cannot be inserted therethrough.

4. The "unnumbered opening" in Fig. 2 is seen in a sectional view and appears to be a closed bore with the solid end closed in the direction of the pulley (19) and fork (17).

This analysis make it clear that, in contrast to the Examiner's description: arm (17) does not have a leg portion (33); arm (17) is not slideable with respect to base (5), and, element (33) cannot be inserted through an "unnumbered opening" as it is unidentified but appears to be a closed bore.

Since, therefore, Rointru does not disclose an arm having a leg portion slideably inserted within a closed end bore formed in a latching base, the leg portion slideably inserted through a latching porthole in an elongate latch, as claimed, it cannot be said that Rointru anticipates the claimed invention. It is thus believed that the rejection is unfounded and withdrawal of the rejection is respectfully requested.

### ***Conclusion***

Applicants believe that this application contains patentable subject matter and that the foregoing amendments provide a basis for favorable consideration and allowance of all claims; such allowance is respectfully requested. If any matter needs to be resolved before allowance, the Examiner is encouraged to call Applicant's representative at the number provided below.

Respectfully submitted,



Leland K. Jordan,  
Agent for Applicant  
Registration No. 36,560

DADE BEHRING INC.  
1717 Deerfield Road, Box 778  
Deerfield, IL 60015-778  
Phone: (847) 267-5365